

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD MAY 19, 2003 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Harry Atherton, Chairman; Mr. Joe Winkelmann, Vice-Chairman; Ms. Sharon McCamy; Mr. Larry Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

A B S E N T Mr. Raymond E. Graham

AGENDA REVIEW

The Board of Supervisors reviewed the agenda. Mr. Atherton announced that Mr. Graham would be unable to attend the meeting due to illness, and Reverend Ron Johnson, of Silver Hill Baptist Church in Morrisville, would offer the invocation on behalf of Mr. Graham.

LORD FAIRFAX COMMUNITY COLLEGE CONSTRUCTION FUNDING FY 2003 – FY 2008

Mr. Lee introduced Drs. Kay Dunkley, Marcy Stoll, and Patricia Hunt, from Lord Fairfax Community College, who discussed construction goals and the college's need to accommodate additional class programming and provide enhanced student services at the Fauquier County and Middletown campuses.

INTRODUCTION OF THE ENGINEERS & SURVEYORS INSTITUTE TO THE FAUQUIER COUNTY DEVELOPMENT PROCESS

Rick Carr, Director of Community Development, introduced Mr. Terry Ryan, Executive Director for Engineers & Surveyors Institute, who discussed methods for quality control and improving the process whereby applicants' plans are submitted for consideration and approval by the Department of Community Development.

PROPOSED SEWAGE SYSTEM MAINTENANCE AND MONITORING ORDINANCE, FAUQUIER COUNTY CODE

Danny Hatch, Soil Scientist, and Charles Shepherd of the Health Department, discussed a proposed sewage system maintenance and monitoring Ordinance that would mandate monitoring system be maintained for conventional and non-conventional alternative sewage systems.

FAUQUIER EXTENSION LEADERSHIP COUNCIL DINNER MEETING

The Board of Supervisors attended a dinner hosted by the Fauquier Extension Leadership Council at the Fauquier Extension Office.

The meeting was reconvened in Regular Session at 6:30 p.m. at Warrenton Community Center.

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the agenda items with the following changes. Mr. Weeks seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: **Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks**
Nays: **None**
Absent During Vote: **Mr. Raymond E. Graham**
Abstention: **None**

- Accept substitute resolution for Consent Agenda item o, A Resolution Authorizing a Contribution to the Fauquier Community Theatre.
- Accept substitute resolution for Regular Agenda item #6, A Resolution Authorizing a Four Percent (4%) Pay for Performance Funding Pool for Eligible Employees of Fauquier County Government.
- Accept substitute resolution for Public Hearing item #8, A Resolution to Approve SE03-CR-23 to Allow the Construction and Operation of a Wastewater Treatment and Disposal System at the Warrenton-Fauquier Airport, Fauquier County, Owner/Applicant.
- Add Regular Agenda item #7, A Resolution Initiating Proposed Amendments to the Fauquier County Zoning and Subdivision Ordinances to Restrict Use of Multiple User Sewage Disposal Systems to Service Districts and to Permit Only Public Sewer in Service Districts Except with a Special Exception.

CITIZENS TIME

- Jo Sargent, Center District, expressed concern regarding the Rappahannock Rapidan Community Services Board group home.
- Philip Van Cleve, Richmond, President of Virginia Citizens Defense League, spoke in favor of allowing properly permitted citizens to carry concealed weapons in parks.
- John Pierce, Bristow, Virginia Citizens Defense League member, spoke in favor of allowing properly permitted citizens to carry concealed weapons in parks.
- Larry Miller, Director of the Parks and Recreation Department, announced the future opening of the Vint Hill Pool complex.
- Sharon Pandak, Prince William County, Vice Chair of the Chesapeake Bay Local Government Advisory Board, presented the Chesapeake Bay Partner Community 2002 Gold Award to the Fauquier County Board of Supervisors in recognition of the County's commitment to protection of the Chesapeake Bay, it's rivers and streams.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Weeks presented A Proclamation to Honor Joyce Johnson Upon the Receipt of the Washington Post's Agnes Meyer Outstanding Teacher Award for 2003 to Joyce Johnson.

- Mr. Atherton presented A Proclamation to Designate May 2003 as Mental Health Month in Fauquier County to Mary Schlegel.
- Ms. McCamy presented A Proclamation to Recognize the Efforts of the Capital Improvements Committee to Paul Blackmer.

CONSENT AGENDA

Mr. Winkelmann moved to adopt the following consent agenda items. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks
Nays: None
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

Approval of the Minutes for the April 21, 2003 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution to Authorize a Change in the Location of the Fauquier County Board of Supervisors' Regular Meetings

RESOLUTION

A RESOLUTION TO AUTHORIZE A CHANGE IN THE LOCATION OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS' REGULAR MEETINGS

BE IT RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the Board of Supervisors does hereby authorize the change in the location for the May 19, 2003, June 16, 2003, July 21, 2003, August 18, 2003, September 15, 2003, October 20, 2003, November 17, 2003, and December 15, 2003, regularly scheduled meetings to the Warrenton Community Center, 430 East Shirley Avenue, Warrenton, Virginia.

A Resolution to Accept the Donation of a Sculpture and Authorize Its Placement in the Garden Area of the County Court and Office Building

RESOLUTION

A RESOLUTION ACCEPTING THE DONATION OF A SCULPTURE AND AUTHORIZE ITS PLACEMENT IN THE GARDEN AREA OF THE COUNTY COURT AND OFFICE BUILDING

WHEREAS, Gary Colson has been teaching in Fauquier County for twelve years, with six of those years having been at Liberty High School where he teaches Art 1 and advanced placement art classes; and

WHEREAS, in September 2001, Gary Colson was honored at the 18th annual New Teacher Recognition Dinner sponsored by the Fauquier County Committee for Excellence in Education; and

WHEREAS, Gary Colson was one of only ten teachers who received fellowship awards from the Committee for Excellence; and

WHEREAS, in the summer of 2001, Gary Colson spent two weeks in the Tout Quarry on the Dorset Coast of England studying stone carving; and

WHEREAS, Gary Colson prepared for his trip by forming a clay model of the work he planned to create, which he entitled "First Steps", by using principal Mike Wine and one of Grace Miller Elementary School's kindergarten students as models; and

WHEREAS, the finished stone sculpture was later returned to the United States where Gary Colson completed the finishing touches; and

WHEREAS, members of the local community were instrumental in underwriting the cost of shipping the sculpture back to the United States; and

WHEREAS, Gary Colson wishes to give his artwork back to the community that enabled him to travel to England to study the art of stone carving; and

WHEREAS, it is Gary Colson's desire to have the piece displayed permanently in Warrenton for public enjoyment; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the County does hereby accept a donation of the sculpture entitled "First Steps" from Gary Colson; and, be it

RESOLVED FURTHER, That the Board authorizes permanent placement of the sculpture in the garden area of the County Court and Office Building in Warrenton, Virginia, for the enjoyment of all citizens of Fauquier County.

A Resolution Authorizing the Revision of Human Resources Policy 26, Reduction in Force

RESOLUTION

A RESOLUTION AUTHORIZING THE REVISION OF HUMAN RESOURCES POLICY 26,
REDUCTION IN FORCE

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policy Manual is being reviewed for necessary additions, revisions and deletions; and

WHEREAS, a review has been conducted with respect to Policy 26, Reduction In Force; and

WHEREAS, recommended changes are contained in Policy 26 dated May 19, 2003; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the revisions made to Human Resources Policy Manual be, and are hereby, approved effective May 19, 2003.

A Resolution Authorizing the Addition of an Assistant Engineer Position and Changes to the Fauquier County Classification and Compensation Plan

RESOLUTION

A RESOLUTION AUTHORIZING THE ADDITION OF AN ASSISTANT ENGINEER POSITION AND CHANGES TO THE FAUQUIER COUNTY CLASSIFICATION AND COMPENSATION PLAN

WHEREAS, the Fauquier County Finance Committee approved funding to add an additional permanent engineer position in the Department of Community Development; and

WHEREAS, the Board of Supervisors has approved and adopted a position classification and pay plan prepared by MAXIMUS, Incorporated; and

WHEREAS, MAXIMUS has recommended the position title of Assistant Engineer, grade 29; and

WHEREAS, during the budget process, the Board of Supervisors approved the addition of a Tourism Coordinator position for the County; and

WHEREAS, MAXIMUS evaluated the position and has recommended a grade of 28; and

WHEREAS, as a result of the County reclassification process, the following changes to the Fauquier County Classification and Compensation Plan are recommended:

- change in the grade of the Agricultural Development Officer position from 36 to 38;
- addition of the title of Operations Manager, grade 32; and
- addition of the title of Payroll Technician, Senior, grade 23;

now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That an additional engineer position be, and is hereby, added in the Department of Community Development; and, be it

RESOLVED FURTHER That the following changes be made to the Fauquier County Classification and Compensation plan:

- Addition of the position title of Assistant Engineer, grade 29;
- Addition of the position title of Tourism Coordinator; grade 28;
- Change in the grade of the Agricultural Development Officer position from 36 to 38;
- Addition of the title of Operations Manager, grade 32; and
- Addition of the title of Payroll Technician, Senior, grade 23.

A Resolution to Authorize the Award of a Contract for Construction of the Ensors Shop Road and Blue Mountain Towers for the Public Safety Radio System

RESOLUTION

A RESOLUTION TO AUTHORIZE THE AWARD OF A CONTRACT FOR
CONSTRUCTION OF THE ENSORS SHOP ROAD AND BLUE MOUNTAIN TOWERS FOR
THE PUBLIC SAFETY RADIO SYSTEM

WHEREAS, the Fauquier County Board of Supervisors has previously determined that it is in the financial interest of the County to construct two (2) communications towers; and

WHEREAS, bids are expected to be received for the Ensors Shop Road and Blue Mountain towers on May 30, 2003; and

WHEREAS, it is important to proceed with the construction of the towers, as soon as possible, in order to continue the implementation and testing of the radio system; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the Board of Supervisors does hereby authorize the award of a contract for construction of the Ensors Shop Road and Blue Mountain towers, subject to review of the bids by the County Administrator and review of contracts by the County Attorney.

A Resolution Authorizing the Chairman to Enter Into an Open Space Commitment with Landowner

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER
INTO OPEN SPACE COMMITMENT WITH LANDOWNER

WHEREAS, Fauquier County has established a special land assessment program for the preservation of real estate devoted to open space pursuant to Section 58.1-3233 of the Code of Virginia, 1950, as amended; and

WHEREAS, a landowner may qualify for the special land assessment program for the preservation of open space upon the execution and recordation of a written open space use commitment between the landowner and the Board of Supervisors; and

WHEREAS, to qualify for the special land assessment program for the preservation of open space, the real estate to be entered into the program must meet the general and specific standards promulgated by the Director of the Department of Conservation and Historic Resources, as set forth in the Manual of the State Land Evaluation Advisory Council (1992); and

WHEREAS, the hereinafter identified landowners have requested that the Board of Supervisors enter into an Open Space Use Agreement for the preservation of certain land owned by them for the purposes of qualifying for the special land assessment program under the open space category; and

WHEREAS, the Board of Supervisors has determined that the hereinafter described land meets the general and specific standards, as promulgated by the Director of the Department of Conservation and Historic Resources for entering into a Open Space Use Agreement committing the landowner not to change the use of the land to a non-qualifying use for a time period of eight years; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the Chairman be, and is hereby, authorized to execute an Open Space Use Agreement with the hereinafter identified landowners:

NAME	IDENTIFICATION	ACREAGE
RENEWAL Schwartz, Peter B. Moser, Anna M.	6033-80-3647-000 PO Box 159 Delaplane, VA 20144	88.24
RENEWAL Myers, Thomas E. Myers, Vaughan R.	6070-73-3797-000 PO Box 504 The Plains, VA 20198	47.4288
RENEWAL Dudley, Thomas U., II Dudley, Pamela C.	6044-83-7274-000 PO Box 380 Upperville, VA 20185	50.2275
NEW Warren, Mary L	7001-06-6975-000 3640 Landmark Rd. The Plains, VA 20198-1721	29.324
NEW Marosy, Mary Trust Marosy, Joseph G. Trust	6022-73-3968-000 c/o Mary Marosy, Trustee 2613 Leeds Manor Rd. Markham, VA 22643-1716	297.73
<u>NEW</u> Kennedy, Mary Ellen	6044-19-8335-000 Edgehill Farm 10298 John Mosby Hwy. Upperville, VA 20184	135.88

; and, be it

RESOLVED FURTHER, That upon execution and recordation of the agreement, the described real estate shall be eligible for classification as Open Space under the Fauquier County Special Land Assessment Program.

A Resolution to Award a Contract for Design and Construction Services for Courthouse Improvements

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR DESIGN AND CONSTRUCTION SERVICES FOR THE COURTHOUSE IMPROVEMENTS

WHEREAS, Fauquier County has embarked on a program to improve facilities, including improvements to 320 Hospital Hill and the Warren Green building; and

WHEREAS, funds have been previously appropriated for improvements to the Courthouse; and

WHEREAS, proposals were solicited for design and engineering services; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the County Administrator be, and is hereby, authorized to enter into a contract with Moseley Architects in the amount of \$155,900 for architectural and engineering services for Courthouse improvements.

A Resolution to Request that the Virginia Department of Transportation Install "Watch For Children" Signs on Flag Rock Drive

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT
OF TRANSPORTATION INSTALL "WATCH FOR CHILDREN" SIGNS ON
FLAG ROCK DRIVE

WHEREAS, the Fauquier County Transportation Committee received a request from Robert Jett, resident of the Lee's Glen Subdivision, for "Watch for Children" signage on Flag Rock Drive; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving each request for "Watch for Children" signage, so VDOT may accommodate these requests; and

WHEREAS, on April 30, 2003, the Fauquier County Transportation Committee recommended approval of the requested "Watch for Children" signage; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the Board of Supervisors does hereby authorize the County's request for installation and maintenance by VDOT of "Watch for Children" signage on Flag Rock Drive.

Consider Freestate Mountain Preliminary Subdivision Plat #PP03-M-22, Marshall Magisterial District

No further action required.

Consider Vint Hill-Land Bay I Preliminary Subdivision Plat #PP03-CR-26, Cedar Run Magisterial District

No further action required.

Consider Preliminary Subdivision Application #PP03-L-23, Thomas A. Moran & Galia Ofer Subdivision, Lee Magisterial District

No further action required.

A Resolution Initiating the Road Abandonment Process for a Portion of Old State Route 671

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO TAKE ALL
ACTIONS NECESSARY TO INSTITUTE THE ROAD ABANDONMENT PROCESS
FOR A PORTION OF OLD ROUTE 671, WHICH HAS BEEN
DISCONTINUED FOR MAINTENANCE

WHEREAS, the Fauquier County Board of Supervisors has discontinued for maintenance a portion of Route 671, approximately 0.12 mile north of its intersection with the northbound lane of Route 50; and

WHEREAS, the Fauquier County Board of Supervisors has received a request to abandon approximately 0.15 mile of the aforesaid road located northeast of the Paris water tank lot, along and within the boundaries of an approximately 32-acre parcel of land, identified as PIN 6035-91-4374-000; said portion of road being shown on that certain Fauquier County Geographic Information System Plat dated November 7, 2002 and titled "Portion of Route 671 to be Abandoned"; and

WHEREAS, Virginia Code Title 33.1, Chapter 1, Article 11, Sections 3.1-151 *et seq.* sets forth a procedure by which roads in the State Highway System or Secondary System may be abandoned; and

WHEREAS, the Fauquier County Transportation Committee has received a request from a citizen of the County to abandon the aforesaid section of the road; and

WHEREAS, after consultation with appropriate officials from the Virginia Department of Transportation and a review of the pertinent facts and circumstances, the Fauquier County Transportation Committee members, present at the October 30, 2002 meeting, recommended the abandonment of the aforesaid section of the road; and

WHEREAS, based upon the recommendation of its Transportation Committee members, the Board of Supervisors wishes to institute the abandonment process for the aforesaid portion of road; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the County Administrator be, and is hereby, directed to take all steps necessary to institute the road abandonment process for the aforesaid road.

A Resolution to Establish Vending and Change Machine Tills

RESOLUTION

A RESOLUTION TO ESTABLISH VENDING AND CHANGE MACHINE TILLS

WHEREAS, change reserves are an essential element of conducting cash business; and

WHEREAS, an adequate amount of change is necessary for addressing demands by customers; and

WHEREAS, the Finance Department, the County Auditors and the Parks and Recreation Department endorse the use of vending tills; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That four vending machines tills, in the amount of one hundred dollars (\$100), and one change machine till, in the amount of one hundred and twenty dollars (\$120), be, and are hereby, authorized for the purpose of providing change to the public using vending machines; and, be it

RESOLVED FURTHER, That all financial procedures shall be subject to, and in conformance with, standards prescribed by the County's certified public accounting firm.

A Resolution Authorizing a Contribution to the Fauquier Community Theatre

RESOLUTION

A RESOLUTION AUTHORIZING A CONTRIBUTION
TO THE FAUQUIER COMMUNITY THEATRE

WHEREAS, the Fauquier Community Theatre is a Virginia non-stock, not for profit corporation, established in 1978, and is designated as a tax exempt corporation under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, through contributions, volunteers and modest ticket fees, the Fauquier Community Theatre provides special cultural enrichment to our community; and

WHEREAS, the Fauquier Community Theatre is requesting a contribution for the purpose of reimbursement for local property taxes paid in accordance with their desire to be considered for local property tax exemption, pursuant to the Board of Supervisors Tax Exemption Policy which requires a community non-profit to receive a contribution from the Board of Supervisors for local property taxes paid for three consecutive years; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the Board of Supervisors does hereby approve a contribution to the Fauquier Community

Theatre in an amount equivalent to any local property taxes paid for Tax Year 2003 on structures that are used by the Fauquier Community Theatre for its non-profit theatre operations.

A RESOLUTION TO AMEND THE BOARD OF SUPERVISOR'S POLICY ON EXEMPTIONS FROM TAXATION

Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AMEND THE BOARD OF SUPERVISOR'S
POLICY ON EXEMPTIONS FROM TAXATION

WHEREAS, on September 3, 1996, the Board of Supervisors of Fauquier County adopted a policy on exemptions from taxation; and

WHEREAS, pursuant to the aforesaid policy, the Board of Supervisors recommends to the General Assembly whether real and/or personal property located within Fauquier County be exempt from taxation; and

WHEREAS, pursuant to Virginia Code §58.1-3651, the General Assembly has delegated the authority to determine whether real and/or personal property will be exempt from taxation by classification or designation by ordinance adopted by the Board of Supervisors; and

WHEREAS, the Board of Supervisors' policy on exemptions from taxation needs to be revised in accordance with the General Assembly's delegation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the September 3, 1996 policy on exemptions from taxation be, and is hereby, revised to read as follows:

A POLICY OF THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY
ON REQUESTS FOR RESOLUTIONS IN SUPPORT
OF EXEMPTIONS FROM TAXATION

Exemption from Taxation

It shall be the policy of the Board of Supervisors to ~~not support~~ consider requests for exemption from taxation ~~unless~~ when:

- a) the entity has received three consecutive annual donations ~~on or after July 1, 1996~~, from the County reimbursing the organization for real and personal property taxes; or
- b) the entity is one to which the County is unable to make a donation, but can be exempted from real or personal property taxes;
- c) entities requesting Board ~~support~~ consideration of an exemption from taxation shall be given a copy of the Board's policy on donations.

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING CHAPTER 8 OF THE FAUQUIER COUNTY CODE TO ADD ARTICLE XVI "ENTITLED PROPERTY EXEMPTED FROM TAXATION"

Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond E. Graham</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO
SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING
CHAPTER 8 OF THE FAUQUIER COUNTY CODE TO ADD ARTICLE XVI
ENTITLED "PROPERTY EXEMPTED FROM TAXATION"

WHEREAS, prior to January 1, 2003, determinations of whether property was exempted from taxation by classification or designation were made by the Virginia General Assembly, after recommendation by the governing body wherein the property was located; and

WHEREAS, on January 1, 2003, the General Assembly, by adoption of Virginia Code §58.1-3651, delegated the authority to determine whether real and/or personal property would be exempt from taxation by classification or designation to local governing bodies; and

WHEREAS, Chapter 8 of the Fauquier County Code requires amendment to add Article XVI entitled Property Exempt From Taxation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed Ordinance amending Chapter 8 of the Fauquier County Code to add Article XVI entitled Property Exempt From Taxation.

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO SECTION 16-7 OF THE FAUQUIER COUNTY CODE TO PERMIT THE CARRYING OF CONCEALED WEAPONS IN PUBLIC PARKS

Ms. McCamy moved to postpone a decision on a resolution directing the County Administrator to schedule a public hearing on a proposed amendment to Section 16-7 of the Fauquier County Code to permit the carrying of concealed weapons in public parks, until the next regular Board meeting. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows:

*Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy;
Mr. Larry L. Weeks*
Nays: None
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

A RESOLUTION TO AUTHORIZE A CONDITIONAL DONATION TO FAUQUIER HOUSING CORPORATION

Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows:

*Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy;
Mr. Larry L. Weeks*
Nays: None
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE A CONDITIONAL DONATION
TO FAUQUIER HOUSING CORPORATION

WHEREAS, Fauquier County has donated certain real property to Fauquier Housing Corporation to permit the construction of affordable housing, said property being located in Lee District and commonly referred to as the Botha Project; and

WHEREAS, Fauquier Housing Corporation has requested that the Board of Supervisors provide it with a conditional donation in order to construct the residences to be located on the aforesaid property in a manner in which Certificate of Occupancy permits for the house will be received on or before November 1, 2003, so as to permit Fauquier Housing Corporation to receive a grant from the Federal Home Loan Bank in the amount of \$5,000 per house; and

WHEREAS, pursuant to Virginia Code §15.2-953, the Board of Supervisors is authorized to donate monies to charities, institutions and non-profit organizations existing for the purpose of providing affordable housing; and

WHEREAS, the Board of Supervisors wishes to ensure the successful completion of the Botha Project through this conditional donation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the Board of Supervisors does hereby donate the sum of up to \$400,000 to Fauquier Housing Corporation, provided that such donation shall be conditioned on the following:

1. Fauquier Housing Corporation shall not draw on the donated funds until the appropriate State agency has approved the mortgage loan to Fauquier Housing Corporation and Fauquier Housing Corporation has submitted a copy of the loan approval to the County.
2. Fauquier Housing Corporation shall only be able to draw up to the approved loan amount per house.
3. Fauquier Housing Corporation shall not draw on the donative funds until it has submitted signed construction contracts to the County.
4. Fauquier Housing Corporation shall not draw on the donative funds until construction for the amount drawn shall have been completed and approved by Fauquier Housing Corporation. With each draw of donative funds, Fauquier Housing Corporation shall submit a statement that the construction work has been completed and has been approved as being in conformance with the contract.
5. Prior to its first draw, Fauquier Housing Corporation shall execute an assignment of the sales proceeds received by it at the closing on the sale of the house constructed with the County's donative funds, assigning to the County as a donation of funds to the County of an equivalent amount of funds as drawn from the County's donative funds.
6. Fauquier Housing Corporation shall require any subcontractor on the Project to provide a performance bond insuring completion of the houses.
7. Fauquier Housing Corporation shall provide a performance bond to the County, insuring that it shall complete construction of the houses. Such performance bond shall be in an amount as specified by the County Administrator and by such surety as approved by the County Attorney.

; and, be it

RESOLVED FURTHER, That funding for this Project be, and is hereby, authorized to be transferred from the Utility Fund Catlett/Calverton Sewer System Site Improvements to the Fauquier Housing Corporation contribution account.

A RESOLUTION AUTHORIZING A FOUR PERCENT (4%) PAY FOR PERFORMANCE FUNDING POOL FOR ELIGIBLE EMPLOYEES OF FAUQUIER COUNTY GOVERNMENT

Mr. Winkelmann moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks
Nays: None
Absent During Vote: Mr. Raymond E. Graham
Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING A FOUR PERCENT (4%) PAY FOR PERFORMANCE FUNDING POOL FOR ELIGIBLE EMPLOYEES OF FAUQUIER COUNTY GOVERNMENT

WHEREAS, the General County Government Pay for Performance Program was initiated in FY 2001 to improve employee retention; and

WHEREAS, the FY 2004 Adopted Budget included an average three percent (3%) pay pool; and

WHEREAS, many other neighboring jurisdictions have adopted higher pay plans for FY 2004; and

WHEREAS, the Board of Supervisors has acknowledged that its employees are the County's greatest assets; and

WHEREAS, from a combination of internal FY 2004 budget adjustments and the projection of additional revenue, funding is available equivalent to one percent (1%) of FY 2004 permanent employee salaries for the Pay for Performance funding pool; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the Board of Supervisors does hereby approve a four percent (4%) Pay for Performance funding pool for FY 2004; and, be it

RESOLVED FURTHER, That the sum of \$170,000 in appropriations and internal transfers be, and is hereby, approved as follows, effective July 1, 2003:

FROM			TO		
Source	Code	<u>Amount</u>	Department	Code	<u>Amount</u>
Non-Departmental Fund	4-100-091400-9600	\$50,000	Non-Departmental Fund	4-100-091400-9601	\$50,000
Appropriation					
Personal Property	3-100-0113001-001	\$102,000	Non-Departmental Fund	4-100-091400-9601	\$102,000
Local Fines	3-100-141000-0001	\$18,000	Non-Departmental Fund	4-100-091400-9601	\$18,000
TOTAL		<u>\$170,000</u>	TOTAL		<u>\$170,000</u>

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Industrial Development Authority, Marshall District, George Thompson, Jr., reappointed for a three-year term, to expire May 19, 2006.

SUPERVISORS TIME

- Ms. McCamy stated that she attended a symposium by Virginia Railway Express regarding the future of transit rail in the region. She also stated that a Business Appreciation Breakfast, which was co-hosted by Fauquier Hospital and the Department of Economic Development, was well attended.
- Mr. Winkelmann stated that a work session would be scheduled on June 16, 2003, with Emery & Garrett to discuss the New Baltimore Groundwater Study.
- Mr. Atherton stated that the House of Delegates sent Commendations for each of the 2002 Citizens of the Year in Fauquier County.

ANNOUNCEMENTS

- Mr. Lee announced that the Board members had been invited to attend a presentation, to be given by Supervisor Jim Burton regarding rapid growth in Loudoun County, scheduled on June 9, 2003, at Great Meadows.

A RESOLUTION TO AMEND THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$901,211

A public hearing was held to consider various budget related issues in the amount of \$207,450 in appropriations and \$693,761 in transfers totaling \$901,211. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *Mr. Raymond Graham*
Abstention: *None*

RESOLUTION

**A RESOLUTION TO AMEND THE
FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$901,211**

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2002, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2003 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2003 budget adjustments of \$901,211 for the purposes set forth below; and

WHEREAS, on May 19, 2003, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the FY 2003 Budget be, and is hereby, amended in the amount of \$693,761 in transfers and \$207,450 in appropriations totaling \$901,211 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
<u>FY 2003</u>					
Federal Funds	3-100-331000-0040	\$2,046	Sheriff's Office	4-100-031230-8201	\$2,046
Federal Funds	3-100-331000-0040	\$1,310	Sheriff's Office	4-100-031230-8201	\$1,310
State Funds	3-205-242000-0076	\$52,000	School Division	4-302-94606-8207	\$52,000
Federal Funds	3-205-332000-0006	\$2,094	School Division	4-205-61310-6026- 200-001-000	\$2,094

Federal Funds	3-100-335000-0010	\$67,500	Social Services	4-100-053120-5706	\$135,000
State Funds	3-100-241000-0050	\$67,500			
Local Funds	3-100-166200-0010	\$15,000	Library	4-302-094840-8215	\$15,000
Transfer CIP	4-302-94415-8215	\$100,000	County Administration	4-302-94150-8215	\$100,000
Transfer CIP (Schools)	4-205-61000-9999-953-000-000	\$56,600	School Division	4-207-65100-1193-900-000-000	\$56,600
Transfer Debt Service, CIP, Library Operating Budget	4-100-095917-9200	\$178,148	Library – Bealeton Branch	4-302-94840-8215	\$234,331
	4-302-80801-8200	\$49.98			
	4-302-80810-3160	\$195.08			
	4-302-80810-8215	\$178.92			
	4-302-94102-8207	\$277.07			
	4-302-94109-8212	\$623.40			
	4-302-94340-8215	\$6,402.50			
	4-302-94410-8215	\$406.05			
	4-100-073100-8215	\$32,500			
	4-100-073100-5420	\$15,550			
Transfer Construction Reserve	4-302-91400-0205	\$302,830	School Division	4-302-94654-8215	\$302,830
TOTAL		\$901,211			\$901,211

CONSIDER GRANTING AN EASEMENT TO DOMINION VIRGINIA POWER AT THE LANDFILL TO PROVIDE FOR THE RELOCATION OF ELECTRIC LINES AND FACILITIES

A public hearing was held to consider a proposed relocation of an existing easement and facilities at the County Landfill. No one spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *Mr. Raymond Graham*

Abstention: *None*

RESOLUTION

A RESOLUTION TO GRANT AN EASEMENT TO DOMINION VIRGINIA POWER AT THE LANDFILL TO PROVIDE FOR THE RELOCATION OF ELECTRIC LINES AND FACILITIES

WHEREAS, Fauquier County requires the relocation of power lines at the Corral Farm Landfill and the extinction of the existing easement to facilitate landfill operations; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the County Administrator be, and is hereby, authorized to execute an easement with Dominion Virginia Power for relocation of electric lines and facilities at the Landfill.

CONSIDER A PROPOSED AMENDMENT TO SECTION 16-6(12) OF THE CODE OF FAUQUIER COUNTY TO PERMIT SWIMMING IN THE PUBLIC POOLS LOCATED WITHIN ANY PARK IN THE COUNTY

A public hearing was held to receive public comment on a proposed amendment to Section 16-6(12) of the Code of Fauquier County, which prohibits swimming, bathing, or wading in any waters or waterways in or adjacent to any park. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following Ordinance. Mr. Weeks seconded, and the vote for the motion was 4 to 0 as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond Graham</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE AMENDING SECTION 16-6(12) OF THE CODE OF FAUQUIER COUNTY TO PERMIT SWIMMING IN PUBLIC POOLS LOCATED WITHIN ANY PARK IN THE COUNTY

WHEREAS, Section 16-6(12) of the Code of Fauquier County currently prohibits swimming, bathing, or wading in any waters or waterways in or adjacent to any park; and

WHEREAS, the Fauquier County Board of Supervisors anticipates the opening of the Vint Hill swimming pool and the Northern Sports Field Complex pool in the near future; and

WHEREAS, after due notice and public hearing, the Board of Supervisors has determined that it is in the best interest of the public to adopt an Ordinance to permit swimming; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of May 2003, That Section 16-6(12) of the Code of Fauquier County be, and is hereby, amended to read as follows:

Section 16-6(12). Swimming prohibited **except at public pools. Except in public pools located in any park to** swim, bathe or wade in any waters or waterways in or adjacent to any park.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

A public hearing was held to consider proposed text amendments to the Fauquier County Zoning Ordinance to correct remaining citations of Title 15.1 of the Code of Virginia, to the correct Title 15.2, as found in the current edition of the Code of Virginia. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following Ordinance. Mr. Weeks seconded, and the vote for the motion was 4 to 0 as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond Graham</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE APPROVING AMENDMENTS TO SECTIONS OF THE FAUQUIER COUNTY ZONING ORDINANCE TO CORRECT REMAINING CITATIONS OF TITLE 15.1 OF THE CODE OF VIRGINIA TO THE CORRECT TITLE 15.2

WHEREAS, Title 15.1 of the Code of Virginia was repealed and reenacted as Title 15.2; and

WHEREAS, various sections of the Fauquier County Zoning Ordinance still contain references to the repealed Title 15.1; and

WHEREAS, these Zoning Ordinance text amendments would correct those references to the correct Title and subsection numbers; and

WHEREAS, these amendments will not alter those sections of the Zoning Ordinance in terms of content or interpretation; and

WHEREAS, on April 24, 2003, the Fauquier County Planning Commission held a public hearing and voted to recommend approval; and

WHEREAS, on May 19, 2003, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the adoption of these text amendments is in keeping with the spirit of the Zoning Ordinance and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of May 2003, That the following sections of the Fauquier County Zoning Ordinance be, and are hereby, amended to read as follows:

Section 1-200

14. to protect the agricultural areas, recognizing their importance to the economic base, their potential for land use conflicts, and the existence of Agricultural and Forestal Districts created pursuant to Chapter 36, Title ~~45-1~~ 15.2 Code of Virginia; taking into account requirements contained therein;
 15. to accomplish all other objectives and exercise all other powers as contained in Article 8, Chapter 11, Title ~~45-1~~ 15.2 Code of Virginia; taking into account requirements contained therein;
-

4-301

Designation and Intent

1. **Designation:** Districts may hereafter be created which are designated as Historic Area (HA) Districts within the definition of historic area found in Section ~~45-1-430b~~ 15.2-2201, Code of Virginia. Said districts may be created only by amendment of the Zoning Ordinance as provided in Part 2 of Article 13.
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4-501

Purpose and Intent

The Airport Safety and Impact Overlay District (**APSID**) is intended to acknowledge the unique safety regulation requirements of airports on airport land and adjacent land areas and unique impacts, such as noise, on adjacent land. This overlay district is intended, in accordance with the provisions of Section ~~45-1-491.02~~ 15.2-2294 of the Code of Virginia, to provide for the regulation of the height of structures and natural growth for the purpose of protecting the safety of air navigation and the public investment in air navigation facilities. It is also intended to provide restrictions on uses which may impact aircraft safety by interference with aircraft electronics, pilot visibility and other aspects of safety of flight. Finally, it is the intent of this overlay district to regulate the location in the immediate vicinity of an airport of uses that are noise sensitive.

5-010

Site Location Plan Approval

1. Review by the Commission in accordance with the provisions of Section ~~45-1-456~~ 15.2-2232, Code of Virginia, shall be conducted concurrently with the Commission's review of special exceptions concerning the use, if such special exception is required.
2. The Commission shall hold a public hearing in accordance with the provisions of Section 13-110 of this Ordinance concerning all uses subject to

review in accordance with the provisions of Section ~~15.1-456~~ 15.2-2232, Code of Virginia, as amended.

5-1703

Additional Standards for Heavy Industrial Uses

GG. Any industrial use which may exceed any one of the following:

- (1) Consumption of more than 10,000 gallons of water in any one day or more than 150,000 gallons in any consecutive thirty day period excluding facilities for which approval is required under ~~15.1-456~~ 15.2-2232, Code of Virginia, as amended.
 - (2) Discharge of more than 10,000 gallons of wastewater in any one day or 150,000 gallons in any consecutive thirty day period, excluding facilities for which approval is required under ~~15.1-456~~, 15.2-2232 Code of Virginia, as amended.
-

PART 12

8-1200

NONCONFORMING SIGNS

Signs which are either nonconforming uses or are accessory uses to such nonconforming uses are set forth in Article 10 of this Ordinance and Title ~~15.1~~ 15.2 of the 1950 Code of Virginia, as amended, as of the effective date of this Article shall continue to be lawful as nonconforming uses in accordance with such Article; provided, however, that in the event that the nonconforming uses become an unlawful use, then the subject sign shall be deemed to be an unlawful sign. However, nonconforming signs if damaged to more than one-half (1/2) of the appraised value may not be repaired or replaced; extent of damage to be determined by the Building Inspector. Anything in this Ordinance to the contrary notwithstanding the Board of Zoning Appeals shall have the authority upon application made therefore, to permit the repair, relocation or replacement of any nonconforming sign provided that said Board of Zoning Appeals shall make the following findings:

PART 17

8-1700

VARIANCES

Variances from the provisions of Article 8 of this Ordinance may be granted by the BZA in accordance with the standards and provisions for the granting of variances as set forth in Part 4 of Article 13 and Title ~~15.1~~ 15.2, Code of Virginia.

12-601

Costs and Specifications

All improvements required by this Article shall be installed at the cost of the developer. Where cost sharing or reimbursement agreements between the County and the developer are appropriate, the same shall be recognized by formal written agreement prior to site development plan approval and shall be subject to VDOT review and acceptance. Where specifications have been established either by VDOT for streets, etc., or by this Ordinance for related facilities and utilities, such specifications shall be followed. The developer's performance bond shall not be released until construction has been inspected and accepted by the County and by the VDOT. Partial bond releases may be granted in accordance with Article ~~15.1-466(1)~~ 15.2-2241 of the Code of Virginia, 1950, as amended. The Board of Supervisors delegates the authority for bonding including bond releases, reductions and extensions to the Director of Community Development.

12-612

Utilities

6. The cost of providing reasonable and necessary sewerage, water, and drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of his subdivision or development, shall be in accordance with Section ~~15.1-466(j)~~ 15.2-2243 of the Code of Virginia.
-

13-202

Amendments

1. Generally
 - A. Whenever public necessity, general welfare or good zoning practice requires, the Board may by general ordinance amend, supplement or change the regulations, restrictions, district boundaries or classification of property established by majority vote; provided, that no such action may be taken until after public hearings have been held in accordance with the provisions of Sections ~~15.1-431~~ 15.2-2204 and 2205, Code of Virginia. At such public hearings, parties in interest and citizens shall have an opportunity to be heard.
-

13-202.2

- D. Proffered Condition Regulations

Where an application contains conditions to be proffered in accordance with Section ~~15.1-491.2:1~~, 15.2-2298, Code of Virginia the submission shall include a written statement to that effect signed by the applicant and the owner, to include contract purchaser as well as written statements, development plans, profiles, elevations and/or other demonstrative materials proffered. Proffered conditions shall be subject to the following procedures and regulations.

13-205

Referral to Planning Commission, Action by Planning Commission

In accordance with Title ~~15.1-15.2~~, Code of Virginia, proposed amendments to this Ordinance, change in district boundaries or classification of property shall be referred by the Board, or its administrative representative, to the Planning Commission for its recommendation. The Commission shall hold a public hearing on such application or resolution, as provided by Section 13-204. After conclusion of the public hearing, unless the proceedings are terminated as provided herein, the Commission shall consider the proposed amendment or resolution and send to the Board its recommendation and appropriate explanatory materials. Where the amendment has been initiated by the Board, failure of the Commission to report to the Board within sixty-five (65) days after the first meeting of the Commission, following the date the proposed amendment has been referred to the Commission, shall be deemed approval by the Commission. Where the amendment is initiated by petition of the owner, contract purchaser with the owner's written consent or the owner's agent, the failure of the Commission to report to the Board within ninety (90) days after the date of the last public hearing or within one hundred eighty (180) days of filing shall be deemed approval by the Commission.

PART 3

13-300

APPEALS

13-301

Initiation

Any person aggrieved or any officer, department, board, commission or authority of the County affected by any decision of the Zoning Administrator or by any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance may appeal such decision to the BZA, except a decision of the Zoning Administrator made pursuant to the provisions of Code Section ~~15.1-491.3~~ 15.2-2292. Any zoning applicant or any other person who is aggrieved by a decision of the Zoning Administrator made pursuant to the provisions of Section ~~15.1-491.3~~ 15.2-2292 may petition the governing body for the review of the decision of the Zoning Administrator. All such petitions for review shall be filed within thirty (30) days

from the date of the decision for which review is sought, and such petitions shall specify the grounds upon which the petitioner is aggrieved.

14-102 Authority and Establishment

The Planning Commission was established in conformance with a resolution adopted by the Board of Supervisors pursuant to the provisions of Article 3, Chapter 11, Title ~~45.4~~ 15.2 of the Code of Virginia. The Planning Commission heretofore established shall continue as the Planning Commission for the purpose of this Ordinance. The official title of this Commission shall be the "Fauquier County Planning Commission".

PART 2 14-200 BOARD OF ZONING APPEALS

14-201 Purpose

In recognition that many of the provisions of this Ordinance are of a nonspecific and general nature and that they are not perfect and are subject to interpretation, the BZA is established to vary specific terms of the Ordinance so the intent of the provisions may be accomplished, but only in a manner that the spirit of the Ordinance is maintained and upheld. In addition, the BZA is established to perform those duties as set forth in Article 8, Chapter 11, Title ~~45.4~~ 15.2 of the Code of Virginia and those duties as set forth in the provisions of the Ordinance.

14-202 Authority and Establishment

The BZA was established pursuant to the provisions of Article 8, Chapter II, Title ~~45.4~~ 15.2 of the Code of Virginia. The BZA heretofore established shall continue as the BZA for the purpose of this Ordinance. The official title of the board shall be the "Fauquier County Board of Zoning Appeals", and such body shall also be known by the abbreviation "BZA".

14-210 Decisions Subject to Judicial Review

All decisions and findings of the BZA shall be final decisions, and shall, in all instances, be subject to judicial review in the manner provided by Article 8, Chapter 11, Title ~~45.4~~ 15.2 of the Code of Virginia.

15-300 Definitions

CAPITAL IMPROVEMENTS PROGRAM: A document adopted by the Board in accordance with ~~15.1-464~~ 15.2-2239, Code of Virginia, and abbreviated CIP.

COMPREHENSIVE PLAN: The official document or elements thereof adopted by the Board, and intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts, policy statement and/or descriptive material, shall be that adopted in accordance with Section ~~15.1-450~~ 15.2-2226 of the Code of Virginia.

APPENDIX B

**FAUQUIER COUNTY BOARD OF SUPERVISORS POLICY ON
HOUSING LOW AND MODERATE INCOME FAMILIES**

III.

STANDARDS

- A. The developer must provide assurance to the County that the units to be provided for the housing of low and moderate income families will continue to be available for that purpose for at least five (5) years. This assurance shall take the form of a proffer tendered in accordance with Sections ~~15.1-491.1 through 491.6~~ 15.2-2298, Code of Virginia or other mechanism approved by the Board.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

A public hearing was held to consider proposed text amendments to Section 5-1812.7 of the Fauquier County Zoning Ordinance, to allow Farmer's Markets to be located on adjacent properties under the same ownership or lease as the parcel containing the primary residence of the proprietor. No one spoke. The public hearing was closed. Mr. Weeks moved to adopt the following Ordinance. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy;
Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *Mr. Raymond Graham*

Abstention: *None*

ORDINANCE

**AN ORDINANCE APPROVING THE AMENDMENT TO SECTION 5-1812.7 OF THE
FAUQUIER COUNTY ZONING ORDINANCE TO ALLOW FARMER'S MARKETS TO BE
LOCATED ON ADJACENT PROPERTIES UNDER THE SAME OWNERSHIP OR LEASE
AS THE PARCEL CONTAINING THE PRIMARY RESIDENCE OF THE PROPRIETOR**

WHEREAS, the Fauquier County Zoning Ordinance currently allows Farmer's Markets as a special permit use in the Rural Agriculture Zoning Districts; and

WHEREAS, the current Zoning Ordinance limits such uses to the same property as the primary residence of the owner or lessee; and

WHEREAS, this text amendment would permit Farmer's Markets to be located on adjacent property under the same ownership or lease as the parcel containing the primary residence of the owner or lessee; and

WHEREAS, special permit approval and site plan approval still would be necessary; and

WHEREAS, on April 24, 2003, the Fauquier County Planning Commission held a public hearing; and

WHEREAS, on May 19, 2003, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the adoption of these text amendments would be in the spirit of the Zoning Ordinance and would be in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of May 2003, That Section 5-1812.7 of the Fauquier County Zoning Ordinance be, and is hereby, amended to read as follows:

5-1812 Additional Standards for a Farmer's Market

7. A farmer's market shall be conducted on the same lot as contains the bona fide, primary residence of the property owner or lessee, or on an adjacent property under the same ownership or lease as the parcel containing the primary residence of the proprietor.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

A public hearing was held to consider proposed text amendments to Section 5-1813.5 of the Fauquier County Zoning Ordinance, to add outdoor recreational uses such as corn mazes, hayrides, pumpkin patches and similar activities, to the uses permitted in conjunction with a community Farmer's Market by approval of a special permit. No one spoke. The public hearing was closed. Mr. Weeks moved to adopt the following Ordinance. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows:

*Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy;
Mr. Larry L. Weeks*
Nays: None
Absent During Vote: Mr. Raymond Graham
Abstention: None

ORDINANCE

AN ORDINANCE APPROVING THE AMENDMENT TO SECTION 5-1813.5 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO ADD CORN MAZES, HAYRIDES, PUMPKIN PATCHES AND SIMILAR ACTIVITIES AS USES PERMITTED IN CONJUNCTION WITH A COMMUNITY FARMER'S MARKET

WHEREAS, the Fauquier County Zoning Ordinance currently allows community farmer's markets as a special permit use in the Rural Agriculture Zoning District; and

WHEREAS, the Zoning Ordinance currently does not allow corn mazes, hayrides, pumpkins patches and similar activities as uses permitted in conjunction with community farmer's markets; and

WHEREAS, this text amendment would allow these activities to be permitted in conjunction with a community farmer's market following special permit and site plan approvals; and

WHEREAS, on April 24, 2003, the Fauquier County Planning Commission held a public hearing; and

WHEREAS, the Planning Commission voted to recommend approval of these amendments; and

WHEREAS, on May 19, 2003, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of May 2003, That Section 5-1813.5 of the Fauquier County Zoning Ordinance be, and is hereby, amended to add corn mazes, hayrides, pumpkin patches and similar uses in conjunction with community farmer's markets. The section will be amended to read as follows:

5-1813 Additional Standards for a Community Farmers' Market

5. The permitted activity is the use of any tract of land in a rural agriculture zoning district for the retail sales and preparation of agricultural products, horticultural products, aquacultural products, and hand made

crafts. Any other retail sales conducted on the property shall be accessory and incidental to the permitted activity. Permitted accessory products shall be accessory and incidental to the permitted activity. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other similar type items directly related to the culture, care, use of, or processing of the principal use. Products using electrical or combustion power such as lights, lawn trimmers, and tractors shall not be allowed.

Outdoor recreational activities such as corn mazes, hayrides, pumpkin patches or other similar activities which are dependent on the products being produced on site may be held in conjunction with a community farmer's market if approved as part of a special permit application.

CONSIDER SPECIAL EXCEPTION #SE03-CR-24 – JOHN C. KANDL, OWNER / APPLICANT

A public hearing was held to consider an application for special exception approval under Category 20, which would allow for the repair/replacement of the applicant's sewer system. The property is zoned Rural Agriculture (RA) and is located at the intersection of Rogues Road (Route 602) and Ritchie Road (Route 644), in Cedar Run District. John Kandle, owner/applicant, requested the Board give favorable consideration to the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond Graham</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION APPROVING SPECIAL EXCEPTION SE03-CR-24 TO ALLOW THE CONSTRUCTION OF AN INDIVIDUAL WASTEWATER TREATMENT SYSTEM WITH A POINT OF DISCHARGE TO REPLACE A FAILED SEPTIC SYSTEM, JOHN C. KANDL, OWNER / APPLICANT

WHEREAS, Section 5-2002.5 provides that a Special Exception for a private individual sewage treatment system which discharges into an open ditch or water, shall be allowed only to replace an existing sewage system which is presently serving an existing use; and

WHEREAS, the Applicant has requested a Special Exception pursuant to Section 5-2002.5; and

WHEREAS, the existing sewage system serving the Applicant's property has failed and has been certified by the Virginia Department of Health to pose a real or potential health threat; and

WHEREAS, the Virginia Department of Health has also certified that a discharging sewage treatment system is the only alternative for the repair of this failed system; and

WHEREAS, the Applicant has provided the appropriate notification to residents down stream as required by Section 17-12 of the County Code; and

WHEREAS, on March 27, 2003, the Planning Commission conducted a public hearing and determined that the Applicant has met the requirements of Section 5-2002.5 of the Zoning Ordinance; and

WHEREAS, the Planning Commission has forwarded SE03-CR-24 to the Board of Supervisors with a recommendation of conditional approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That SE03-CR-24 to allow for the construction of an individual wastewater treatment system with a point of discharge to replace a failed septic system, John C. Kandl, Owner and Applicant, be, and is hereby, approved subject to the following conditions:

1. Written authorization shall be obtained from VDOT for discharge of this system into its ditch right-of-way.
2. The Applicant shall obtain all applicable permits from the Health Department and DEQ (VPDES permits).
3. An annual operation and maintenance program shall be submitted by the design engineer and approved by the Health Department.
4. The approved annual operation and maintenance program shall be contracted to a qualified and licensed professional operator.
5. Evidence of a continuing operation and maintenance program and a report on system performance shall be submitted annually to the Health Department and Zoning Department to ensure compliance with this Special Exception.

CONSIDER SPECIAL EXCEPTION #SE03-CR-23 – FAUQUIER COUNTY, OWNER / APPLICANT – WARRENTON-FAUQUIER AIRPORT

A public hearing was held to consider an application for special exception approval under Category 20, which would allow for the construction and operation of a wastewater treatment and disposal system. The property is located on the west side of Midland Road (Route 610), Cedar Run District. Rick Carr, Director of Community Development, gave an overview of the

application and revised conditions. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: **Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks**
Nays: **None**
Absent During Vote: **Mr. Raymond Graham**
Abstention: **None**

RESOLUTION

A RESOLUTION TO APPROVE SE03-CR-23 TO ALLOW THE CONSTRUCTION AND OPERATION OF A WASTEWATER TREATMENT AND DISPOSAL SYSTEM AT THE WARRENTON-FAUQUIER AIRPORT, FAUQUIER COUNTY, OWNER / APPLICANT

WHEREAS, the Comprehensive Plan for the Midland Service District calls for the development of a limited capacity wastewater treatment facility to serve the Warrenton-Fauquier Airport and adjacent industrial properties; and

WHEREAS, the Applicant has proposed that a “drainfield based” system, with limited surface discharge to provide reserve capacity, be developed on Airport property; and

WHEREAS, Section 5-2000.6 of the Fauquier County Zoning Ordinance provides for the approval of such systems as a Special Exception use if operated under the control of the Fauquier County Water and Sanitation Authority (WSA); and

WHEREAS, the applicant has stipulated that the proposed system shall be owned and operated by WSA; and

WHEREAS, on April 24, 2003, the Planning Commission conducted a public hearing on SE03-CR-23 and has forwarded a recommendation of conditioned approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That SE03-CR-23 be, and is hereby, approved subject to the following conditions:

1. Prior to beginning operation of the system there shall be an operating agreement with WSA
2. Upon the issuance of a discharge permit, the ownership of the system shall be transferred to WSA.
3. No expansion beyond the proposed Phase I operation (served by the primary drainfield with a capacity of 4,400 gallons/day) shall be allowed without an

approved discharge capacity being in place, including the permit and the infrastructure needed to utilize a discharge permit.

4. The initial discharge capacity of the system shall be limited to 8,800 gallons/day and will serve only as a 100% back-up to the drainfield system.
5. The discharge capacity of the system shall not be increased until a plan for allocating additional capacity (i.e., adding users) has been approved by the Board of Supervisors. The Planning Commission shall review any such plan prior to the Board of Supervisors' consideration.
6. An on-site back-up energy supply shall be provided to protect the plant and related automated controls from operational lapses due to power outages.
7. The system shall include monitoring equipment and related alarm systems to assure the detection of, and response to, any malfunction.
8. The service area of the system shall be limited as set forth in Option 3 of the Comprehensive Plan for the Midland Service District (i.e., the Warrenton-Fauquier Airport and adjacent industrial properties).

CONSIDER SPECIAL EXCEPTION #SE03-L-28 – MARSH RUN GENERATION, LLC, OWNER / APPLICANT

A public hearing was held to consider an application for special exception approval under Category 23, which would allow for the crossing of a floodplain. The property is located on the east side of Lucky Hill Road (Route 655), Lee District. Rick Carr, Director of Community Development, gave an overview of the application. No one spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Raymond Graham</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION, APPROVING SE03-L-28 TO ALLOW FOR THE CROSSING OF A FLOODPLAIN, MARSH RUN GENERATION, LLC (OLD DOMINION ELECTRIC COOPERATIVE), APPLICANT

WHEREAS, on October 15, 2001, the Fauquier County Board of Supervisors approved Special Exception SE00-L-17 to allow the construction of the Marsh Run Peak Generation Facility; and

WHEREAS, SE00-L-17 also allowed the construction of a private access road to the generation facility; and

WHEREAS, the route of the private access road will require the crossing of a floodplain to reach the generation facility; and

WHEREAS, the Applicant has requested a Special Exception pursuant to Section 5-2301 of the Zoning Ordinance to allow the required crossing of the floodplain; and

WHEREAS, on April 24, 2003, the Planning Commission conducted a public hearing on SE03-L-28; and

WHEREAS, the Planning Commission has determined that, subject to certain conditions, the Applicant's request is consistent with the requirements of Section 5-2301 of the Zoning Ordinance and has forwarded a recommendation of approval to the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That SE03-L-28 be, and is hereby, approved subject to the following conditions:

1. The Applicants shall obtain a revised LOMR reflecting the more accurate floodplain limit.
2. The Applicant shall consolidate the two adjacent entrances to the Virginia Power property into a single access point on Lucky Hill Road.
3. The Applicant shall determine buffering requirements on the Virginia Power property and take action to assure that the buffer is either preserved or restored if damaged during road construction.

CONSIDER SPECIAL EXCEPTION AMENDMENT #SEA03-L-12 – MARSH RUN GENERATION, LLC, OWNER / APPLICANT

A public hearing was held to consider an application approval to amend a previously approved application (#SE00-L-17) to allow for the location of an access road to run over PIN # 6897-28-4312-000, 6898-21-1913-000 and 6897-19-0471-000. The property is located on the east side of Lucky Hill Road (Route 655), Lee District. Rick Carr, Director of Community Development, gave an overview of the application. No one spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: **Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Larry L. Weeks**
Nays: **None**
Absent During Vote: **Mr. Raymond Graham**
Abstention: **None**

RESOLUTION

A RESOLUTION TO APPROVE SEA03-L-12 TO AMEND A PREVIOUSLY APPROVED SPECIAL EXCEPTION (SE00-L-17) TO ALLOW FOR SOME MINOR REVISIONS TO SELECTED CONDITIONS OF APPROVAL AND THE RELOCATION OF AN APPROVED PRIVATE ACCESS ROAD, MARSH RUN GENERATION, LLC (OLD DOMINION ELECTRIC COOPERATIVE), APPLICANT

WHEREAS, on October 15, 2001, the Fauquier County Board of Supervisors approved Special Exception SE00-L-17 to allow the construction of the Marsh Run Peak Generation Facility; and

WHEREAS, SE00-L-17 also allowed the construction of a private access road; and

WHEREAS, SE00-L-17 was approved subject to certain conditions; and

WHEREAS, the Applicant has requested a Special Exception to amend SE00-L-17, to allow the relocation of the approved access road to pass through the property identified by PIN #6897-19-0471-000, also known as the Leepson property; and

WHEREAS, the Applicant has also requested an amendment to SE00-L-17 Condition 15 to read as follows:

15. Prior to September 1, 2003 ~~Prior to submitting the site plan for County review and action,~~ the Applicant shall complete an executed agreement with the Fauquier County Water and Sanitation Authority (WSA) regarding the construction of lines conveying treated effluent to the peaking facility and returning product water to the Remington Wastewater Treatment Facility, the quantity of effluent to be used, and associated topics; and

WHEREAS, the Applicant has also requested an amendment to SE00-L-17 Condition 25 to read as follows:

25. The Applicant ~~shall must, prior to obtaining the soils disturbance permit~~ obtain the VDOT Entrance Permit and Hauling Permit, which will cover the transportation of the turbine units and associated equipment over public roads. The Applicant shall be required to repair any damage to public roads resulting from construction traffic and deliveries, if VDOT so requests; and

WHEREAS, on April 24, 2003, the Planning Commission conducted a public hearing on SEA03-L-12 and found that the requested Special Exception Amendment is consistent with the original concept and intent of Special Exception SE00-L-17; and

WHEREAS, the Planning Commission has, with the concurrence of the Applicant, also recommended an amendment to SE00-L-17 Condition 18 to read as follows:

18. The applicant shall work with Fauquier County environmental organizations and public schools in development and establishment of planned wildlife habitats, wildlife observation areas, including boardwalks and other associated viewing areas within the established woodland field and marsh environment, consistent with state and federal regulations. As part of the planning for such wildlife preservation areas, the applicant shall endeavor to create areas that may serve as hunting preserves, assuring that such hunting areas are compatible with and complementary to the other preserved natural areas; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 2003, That SEA03-L-12 be, and is hereby, approved to include the relocation of the access road and the stipulated amendments to the conditions of SE00-L-17.

There being no further business, the meeting was adjourned, to reconvene June 9, 2003.

I hereby certify that this true and exact record of actions taken by the Fauquier County Board of Supervisors on May 19, 2003.

A Copy Teste

*G. Robert Lee
Clerk*